



ANNO QUADRAGESIMO QUINTO

GEORGI II. REGIS.

Cap. 109.

An Act to continue the Term, and alter and enlarge the Powers of an Act, passed in the Twenty-third Year of His present Majesty, for amending the Road leading from the Passage or Ferry over the River *Severn*, at *Newnham*, to a Place called *Saint Whites*, adjoining the Forest of *Dean*, in the County of *Gloucester*.

[10th July 1805.]

WHEREAS an Act was passed in the Twenty-third Year of the Reign of His present Majesty, intituled, *An Act for amending and widening the Road from the Passage or Ferry over the River Severn, at Newnham, in the County of Gloucester, through the Parishes of Newnham and Little Dean, to a Place called Saint Whites, adjoining His Majesty's Forest of Dean, in the said County*: And whereas the Trustees appointed in or by virtue of the said Act, have made great Progress in repairing and improving the said Road, and have for that Purpose borrowed several considerable Sums of Money on the Credit of the Tolls authorized to be taken on the said Road, which Money still remains due and owing, and cannot be paid off, nor can the said Road be properly amended, widened, improved, and kept in Repair, unless the Term of the said Act be further continued, the Powers and Provisions thereof altered, amended, and enlarged; and it is necessary that

23 G. 3.
c. 104.

Money due
on Credit of
the said Act.

[Loc. & Per.]

23 £

the

Act further
continued.

the Tolls authorized by the said Act to be taken on the said Road should be increased; May it therefore please Your Majesty that it may be enacted; and be it enacted by the Kings most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That the said Act passed in the Twenty-third Year of the Reign of His present Majesty, and all and every the Clauses, Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, Matters, and Things therein contained (except such as relate to Exemptions from Stamp Duties, and such as are hereby varied, altered, or repealed) shall be and continue in full Force and Effect, and shall be executed for and during the Term herein-after mentioned, as fully and effectually, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act; but subject nevertheless to the Amendments, Variations, Alterations, and Additions herein contained, and which shall commence and take Effect from the passing of this Act; and this Act, and the additional Term and Tolls hereby granted, shall be subject and liable as well to the Payment of all Money now due and owing on the Credit of the Tolls granted by the said recited Act, and now payable at the several Gates or Turnpikes on the said Road comprized in the said recited Act, as to the Payment of all Sums of Money which shall hereafter be borrowed for the Purposes of this Act, and of the Interest of such Sum or Sums respectively.

Trustees.

II. And be it further enacted, That the Lord Warden of the Forest of *Dean* for the Time being, the Lord Chief Justice in *Eyre* South of *Trent* for the Time being, the Deputy Wardens and Verderers of the said Forest for the Time being, the Conservator and the Steward of the Courts of the said Forest for the Time being, the Surveyor General of His Majesty's Woods and Forests for the Time being, the Representatives serving in Parliament for the said County of *Gloucester* for the Time being, together with *William Fitzhardinge Berkeley* commonly called *Viscount Dursley*, *Maurice Frederick Fitzhardinge Berkeley*, *Augustus Fitzhardinge Berkeley*, *Francis Henry Fitzhardinge Berkeley*, *Thomas Moreton Fitzhardinge Berkeley*, *Charles George Grantley Fitzhardinge Berkeley*, the Honourable *George Cranfield Berkeley*, *George Henry Frederick Berkeley*, the Right Honourable *Charles Bathurst*, *Charles Bathurst* the younger, the Right Honourable *Henry Gage*, *Henry Howard*, *Sir Thomas Crawley Bovey* Baronet, *Sir William Berkeley Guise* Baronet, *Perceval Guise*, *Sir George Onesiphorus Paul* Baronet, *Edmund Probyn*, *John Probyn* Clerk, *William Probyn* Clerk, *Henry Probyn*, *Edmund Probyn* the younger, *John Probyn* the younger, *Roynon Jones*, *Roynon Jones* the younger, *James Rooke*, *Thomas Wyndham*, *Thomas Birt* Clerk, *Charles Sandiford* Clerk, *Thomas Williams*, *Richard Weibrecht* Clerk, *Richard Watkell* the younger, *Joseph Pyrke*, *Maynard Colchester*, *John Colchester*, *Thomas Craxley*, *Lord Craxley*, *Matthew Deane*, *Thomas Ambrose*, *William Black* Clerk, *William Boughton* Clerk, *Thomas Browning*, *Thomas Browning* the younger, *Daniel Bennett*, *William Baynham*, *Thomas Blunt*, *Thomas Barber*, *Joseph Cadie*, *Joseph Cadie* the younger, *James Davies*, *Edward Davies*, *James Davies* the younger, *John Parjens* Clerk, *Simon Dobbs*, *John Dew*, *Richard Edmunds*, *Charles Evans*, *William Ellis*, *William Fendall*, *William Foxeler*, *John William Fowler*, *William Fryer*, *Samuel Heaton*, *Edward Jones* Clerk, *George Jones*, *Pr...*

Jones, John Jones, James Hill, Joseph Lloyd, Joseph Lloyd the younger, James Lander, Thomas Morris, John Matthews, John Morgan, Thomas Matthews, Henry Sharp Pocklington, Thomas Packer, John Playsted, John Playsted the younger, William Pick, William Roberts Doctor of Physick, Philip Robinson, Shaw Skip, Joseph Swayne, Joseph Swayne the younger, John Sargeaunt, John Byrkin Thomas, Richard Taylor, John Wade, John Wait, and John Wintle, shall be, and they are hereby appointed Trustees for executing the said recited Act and this Act; and they and their Successors, being qualified according to the Directions of this Act, shall be, and they are hereby empowered and authorized to act in the Execution of the said recited Act and of this Act, as fully and effectually, to all Intents and Purposes whatsoever, as if they had been nominated or appointed in and by virtue of the said Act.

III. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds, above Reprizes, or shall be possessed of or entitled unto a Personal Estate alone, or Real and Personal Estate together, to the Amount of Eight hundred Pounds; and if any Person not being so qualified shall presume to act in the Trusts aforesaid, contrary to the true Intent and Meaning of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager at Law, or more than One Imparlance, shall be allowed; and every Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecution than that such Person hath acted as a Trustee in the Execution of this Act; and that no Trustee shall be capable of acting in the Execution of any of the Powers hereby granted, during the Time he shall hold any Place of Profit under this Act; nor shall any Victualler, or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant of any Trustee, be capable of holding any Place of Profit under this or the said recited Act.

Qualification
of Trustees;

Yearly Value.

Value of Per-
sonal Estates

Victuallers,
&c. not to act
as Trustees.

IV. And whereas the Quorum of Trustees appointed by the said recited Act has been found inconvenient; be it therefore further enacted, That all Acts, Matters, and Things, which by the said recited Act are authorized, directed, and required to be done, executed, performed, and determined by the Number of Trustees therein mentioned, shall and may, from Time to Time hereafter, be done, executed, performed, and determined by the said Trustees, or any five or more of them; and the same, when so done, shall be as valid and effectual as if such Acts, Matters, and Things, had been done, executed, performed, and determined, by the Number of Trustees therein particularly mentioned, the said Act or any Thing therein contained to the contrary thereof in anywise notwithstanding.

For lessening
the Quorum
of Trustees in
certain Cases.

V. Provided

No Order to
be revoked
without
Seven Trust-
tees at a
Meeting, of
which publick
Notice shall
be given.

V. Provided always, and be it further enacted, That from and after the passing of this Act, no Order made by any Three or more of the said Trustees at a Meeting, shall be revoked or altered at a subsequent Meeting, unless Seven Trustees at least shall be present, and Six or more of them shall concur therein, and unless Notice shall be given by five Trustees to the Clerk, of their Desire to have a Meeting for the Purpose of taking into Consideration the said Order, with a View to alter or revoke the same, nor unless Ten Days Notice of the Time and Place of holding such subsequent Meeting, and of the Intent and Purpose then and there of considering such former Order, and if found expedient, of revoking or altering the same, shall be given by the Clerk in some Newspaper circulated in the County of *Gloucester*, and by affixing the like Notice on all the Turnpikes then erected upon the said Road.

Increasing the
Tolls.

VI. And whereas the Tolls authorized to be taken on the said Road have been found inconvenient and insufficient; be it therefore enacted, That, from and after the Second *Monday* next after the passing of this Act, the several Tolls and Duties granted by the said recited Act shall cease, determine, and be no longer paid or payable; and that instead of the Tolls by the said Act directed to be taken on the said Road, or any Part thereof, the respective Tolls following shall be demanded and taken at every Toll Gate, Turnpike, Bar, or Chain already erected or hereafter to be erected, in, upon, or across any Part or Parts of the said Road or the Sides thereof, or in any Lane or Way leading into the same, by virtue of this Act, by such Person or Persons as the said Trustees, or any Five or more of them, shall from Time to Time for that Purpose authorize or appoint, before any Horse or other Cattle, Coach, Waggon, Cart, or other Carriage whatsoever, shall be permitted to pass through the same or any of them; that is to say,

Tolls.

For every Horse, Mare, Gelding, Mule, Ass, or other Beast, drawing any Coach, Berlin, Landau, Chaise, Calash, Hearse, Chaise Marine, Curricule, Chair, Gig, Whiskey, or other Four or Two-wheeled Carriage of the like Kind, the Sum of Sixpence:
For every Horse, Mare, Mule, Gelding, Ox, Ass, or other Beast of Draught, drawing any Waggon, Wain, Cart, Dray, or other Carriage of the like Kind, having the Fellies of the Wheels of less Breadth than Six Inches, the Sum of Sixpence:
For every Horse, Mare, Mule, Gelding, Ox, Ass, or other Beast of Draught, drawing any Waggon or other Carriage, and laden with Timber or Stones (except Timber or Stones for the Repair of the Highways) and having the Fellies of the Wheels of less Breadth than Six Inches, the Sum of Eight-pence:
For every Horse, Mare, Gelding, Mule, Ox, Ass, or other Beast of Draught, drawing any Waggon, Wain, Cart, Dray, or other Carriage of the like Kind, and having the Fellies of the Wheels of the Breadth of Six Inches or upwards, the Sum of Five-pence; and if laden with Timber or Stones (except Timber or Stones for the Repair of the Highways) the Sum of Sixpence:
For any Four-wheeled Carriage in any Manner fixed to any Waggon, Wain, Cart, or other Carriage, the Sum of One Shilling; and for every other Carriage fixed in like Manner, the Sum of Sixpence:

For every Horse, Mare, Gelding, Mule, Ass, or other Beast of Burthen, laden or unladen, and not drawing, the Sum of Two-pence :

For every Drove of Oxen or Neat Cattle, the Sum of One Shilling and Eight-pence *per* Score, and so in Proportion for a greater or less Number :

And for every Drove of Calves, Sheep, Lambs, or Swine, the Sum of Ten-pence *per* Score, and so in Proportion for a greater or less Number :

And that on every *Sunday*, during the Continuance of this Act, there shall be demanded and taken at each of the Gates or Turnpikes erected, or to be erected on the said Road, by such Person or Persons to be nominated and appointed by the said Trustees, before any Coach, Waggon, Cart, or other Carriage, or any Horse, Cattle, or other Beast, shall be permitted to pass through the same, Double the respective Tolls herein-before granted ; which said several Tolls herein-before granted shall be, and the same are hereby vested in the said Trustees, and the same and every Part thereof shall and may be demanded, taken, levied, recovered, and applied in the same Manner, and by the same Ways and Means, as the Tolls are by the said Act directed to be demanded, taken, levied, recovered, or applied.

Double Tolls on Sundays.

VII. And be it further enacted, That if any Person or Persons shall sell or otherwise dispose of, or offer to sell or otherwise dispose of any Ticket or Tickets to any Person or Persons, in order to enable such Person or Persons to evade the Payment of any of the said Tolls, every such Person or Persons so selling, offering, or disposing of such Ticket or Tickets, and the Person or Persons receiving the same for the Purpose aforesaid, shall respectively forfeit any Sum not exceeding Five Pounds nor less than Forty Shillings, whereof One Moiety shall go to the Informer, and the other Moiety shall be applied towards the Purposes of this Act.

Penalty on Persons evading Tolls by disposing of Tickets.

VIII. And be it further enacted, That no Tolls shall be demanded or taken for any Waggons, Wains, Carts, Carriages, or Horses, employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the same Day any Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing of the said Road, or any of the Roads in the Parishes in which any Part of such Road doth lie ; or any Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Outhouses or on the Lands of the Owners thereof ; or for any Waggons, Wains, Carts, Carriages, or Horses, the Property of any Inhabitant or Occupier of Lands in the Parishes in which such Road doth lie, employed in carrying or conveying, or going empty to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost, or Manure employed in Husbandry for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands within the Parishes in which such Road doth lie ; or for any Horses or Cattle going to or returning from Pasture or Watering Places, or going to be or returning from being thred or carried, within the Parishes in which such Road doth lie ; or from any Person going to or returning from his proper

Exemptions from Toll.

Parochial Church, Chapel, or other Place of Religious Worship tolerated by Law, on a *Sunday* or any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person that shall die and be buried in any of the said Parishes; or from any Clergyman going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty, on a *Sunday* or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horses, Cattle, or Carriages, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for any Horses, Carts, or Waggons attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; or for any Horse, Mare, or Gelding, furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for Exercise, Inspection, or Review (provided such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption); or for any Horses, Carts, or Waggons, employed in the Conveyance of Vagrants sent by legal Passes; or for any Horse, Cattle, or Beast drawing any Coach, Landau, Berlin, Chariot, Calash, Chair, or Passenger on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Gloucester*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person or Persons shall, in any fraudulent or collusive Manner whatsoever, claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, nor less than Forty Shillings; One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of the said Act and this Act.

Gatekeepers
Witnesses.

IX. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls or any of them, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, or any Three or more of them, shall not by reason thereof be incompetent to give Evidence in any such Dispute, Suit, or Litigation.

Officers may
distrain and
be Witnesses.

X. And be it further enacted, That where it shall be necessary to distrain for the Recovery of the Tolls authorized to be collected by this Act, such Distress shall and may be made or taken by the Person or Persons appointed to collect the said Tolls, or by any Surveyor of the said Road, or by any other Person or Persons who shall be for that Purpose appointed by them or either of them, or called out to assist; and that in case any Dispute, Litigation, or Suit shall arise, or be had or prosecuted, touching or concerning any such Distress or the Prosecution thereof, or concerning the Nonpayment of the said Tolls, any such Surveyor, Collector, or other Person or Persons, shall not by Reason thereof be incompetent

petent to prove the Legality of the Distress, the Nonpayment of such Tolls, or to give any other Proof or Evidence concerning the Premises.

XI. And be it further enacted, That if any Person or Persons shall hale or draw, or cause to be haled or drawn upon any Part of the said Road, any Tree or Piece of Timber, or any Stone, otherwise than upon wheeled Carriages, or shall suffer any Part of any Tree or Piece of Timber or Stone, which shall be carried upon wheeled Carriages, to drag upon any Part of the said Road to the Prejudice or Injury thereof; or if any Person shall drive any Carriage, or shall ride upon any Footway or Path adjoining to or made on the Side of any Part of the said Road, or in any Street or Lane through or across which the said Road doth pass, or shall drive any Horse, Cattle, or Carriage thereon, or shall cause any Damage to be done to any such Footway or Path, or to any Posts or Rails on the Side of any Part of the said Road; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Road, and meeting another Coach, Waggon, Cart, or other Carriage, shall not keep his Carriage on the left or near Side of the said Road; or if any Person shall in any Manner prevent any other Person or Persons from passing him or her on the said Road, or the Coach, Chaise, Waggon, Cart, or other Carriage under his Care; or if any Person shall make or assist in making any Fire or Fires on the said Road, or shall set Fire to, or let off or throw any Squib, Cracker, Rocket, Serpent, or Firework whatsoever, on any Part or Parts of the said Road, or in any Street, Lane, or Way leading into or near or in any Churchyard adjoining the said Road or any Part thereof; or if any Person or Persons shall leave any Coach, Waggon, Wain, Cart, or other Carriage, in, upon, or on the Side or Sides of any Part of the said Road, or in any Street or Lane through or across which the said Road doth pass, longer than may be necessary for loading or unloading the same, either with or without any Horse or Beast of Draught; or shall lay any Piece of Timber, Stones, or Block of Stone, Hay, Straw, Dung, Manure, Soil, Sand, Ashes, Rubbish, or other Matter or Thing whatsoever, in any Parts of the said Road, or on the Side or Sides thereof, or in any Street or Lane through or across which the said Road do pass; or if any Person shall lay, set, or place any Waggon, Wain, Cart, or other Carriage, in any Part of the Streets of the several Towns, Parishes, and Villages, through or across which Streets the said Road passes, longer than may be necessary to load or unload the same, or for that Purpose longer than Three Hours, and either with or without any Horse or Beast of Draught harnessed or yoked thereto; or if any Person shall lay any Stone, Timber, Block or Blocks of Wood, Skins, Dung, Manure, Sand, Ashes, Dirt, or other Matters or Things, in any Part of the said Streets, and shall (after Notice given to remove the same, either personally to the Offender, or in Writing to be left at his or her usual Place of Abode, by any One or more of the said Trustees, or by their Clerk or Surveyor, or any Person duly authorized by the said Trustees, Clerk, or Surveyor, or any or either of them) refuse or neglect to remove the same within Three Hours after such Notice given or left, Oath of such Notice having been given or left, made before some Justice of the Peace, or any One or more of the said Trustees; or if any Person shall kill, or cause to be killed any Cattle, Sheep, Pigs, or Swine, or shall singe or cause to be singed any Hogs, Pigs, or Swine, or make any Fire or Fires for any Purpose whatsoever in any of the Streets

For removing
and prevent-
ing Nuisances,
&c.

Leaving Car-
riages, Tim-
ber, &c. on
the Roads.

of

of any of the Towns, Parishes, or Places, through or across which the said Road passes, every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings nor less than Twenty Shillings, One Moiety whereof shall be applied towards the Purposes of this Act: Provided always, that nothing herein contained shall extend to prevent or hinder the erecting, placing, or putting up any Hurdles, Coops, or Pens for Sheep, Hogs, or other Cattle, or any Standings for the vending of Goods or other Purposes at Markets and Fairs, in any of the Streets through or across which the said Road leads, in such Manner as the same hath been heretofore immemorially used and accustomed.

Gates hung
so as to open
inwards.

XII. And be it further enacted, That all Gates to be hereafter made and placed in any Field or Ground adjoining to the said Road, shall be made and hung so as to be opened inwards towards such Field or Ground, and not outwards towards the said Road; and that it shall be lawful for any Three or more of the Trustees, appointed or to be appointed in or by virtue of the said recited Act and this Act, any or either of them, to cause all such Gates as are now erected, and open outwards towards the said Road, to be altered and made to open inwards, as they the said Trustees shall think proper.

Certain Parts
of Road to be
first repaired.

XIII. And whereas that Part of the said Road leading from the Passage or Ferry over the River *Severn* at *Newnham*, near the *Bear Inn* there, to the High Street of *Newnham*, by the *George Inn*, and from the said Passage by the Church of *Newnham* aforesaid, is in a very ruinous Condition and dangerous for travelling; be it therefore enacted, That the said Trustees, or any Three or more of them, shall be, and are hereby fully authorized and empowered, by and out of the Monies that shall first arise from the said Tolls, or be borrowed under and by virtue of this Act, after paying and discharging all Charges and Expences incident to and attending the obtaining and passing of this Act, as herein-after provided, to cause such Parts of the said Road as leads from the said Passage or Ferry to the High Street at *Newnham* aforesaid, and from the same Passage to the Church of *Newnham* aforesaid, to be widened and repaired, and made more easy of Ascent, and the Drains leading down the said Road to be covered; and in the next Place to cause such Part of the said Road as leads from the High Street of *Newnham* aforesaid, to the High Cross in *Little Dean* aforesaid, to be put in sufficient Repair before any other Part of the said Road shall be repaired; any Thing in the said recited Act or this Act contained to the contrary notwithstanding.

Trustees may
contract for
Repair of
Roads.

XIV. And be it further enacted, That the said Trustees, or any Five or more of them, or such Person or Persons as they shall for that Purpose authorize, delegate, or appoint, are hereby empowered to contract with any Person or Persons for altering, widening, or repairing the said Road or any Part thereof, and for erecting Mile and Direction Stones or Posts thereon, or for doing any other Work to be performed in the Execution of this or the said recited Act, in such Manner, and for such Sum or Sums of Money as the said Trustees, or any Five or more of them, shall think proper; and that all Contracts and Agreements in Writing, entered into pursuant to any Order of the said Trustees, or any Five or more of them, or by their Clerk or Clerks, Treasurer or Treasurers,
Surveyor

Surveyor or Surveyors, or other Officer by their Order, with any Workman or other Person or Persons, relating to any Matter or Thing to be done by virtue of the said Act and this Act, shall be binding upon all such Parties and Persons as shall sign the same, his, her, and their Executors and Administrators, and that Actions and Suits shall and may be maintained thereon by the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees, and in his or their Name or Names respectively, and Damages and Costs recovered against the Party or Person, Parties or Persons, failing in the Performance of such Contracts or Agreements respectively; and such Sum of Money as shall or may be requisite for making or repairing the said Road, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action or Suit against any such Party or Person, Parties or Persons, so as aforesaid making Default in fulfilling his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

XV. And whereas several Parts of the said Road will lead near to the Forest of *Dean* and the Waste Lands thereto belonging, and other Wastes, Commons, or uncultivated Grounds, and the Tolls and Duties by this Act imposed may, by reason of the great Width and Extent of such Forest, Wastes, Commons, or uncultivated Grounds, be easily avoided; be it further enacted, That the said Trustees, or any Five or more of them, may and they are hereby authorized and empowered, if they shall see Occasion, to make or cause to be made such Hedges, Ditches, Cops, Walls, and Fences, by the Sides of the said Road, or upon, over, or across the said Wastes, Commons, or uncultivated Grounds, in such Manner and Direction as they shall find necessary, so that the Payment of the said Tolls may not be avoided, and so that the same do no Injury to the said Forest; and if any Person or Persons shall take or pull down, or in anywise damage, displace, or carry away any such Fence or any Part thereof, or shall fill up or spoil any such Ditch, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds nor less than Forty Shillings.

Trustees may make Fences on Commons and Wastes to prevent Tolls being avoided.

XVI. And whereas Persons guilty of Offences against this Act may be transient Persons unknown to the Collectors, Surveyors, or other Officers or Persons employed under the said Act and this Act; be it therefore further enacted, That it shall be lawful for the said Collectors, Surveyors, or other Officers, or any other Person or Persons whomsoever, to seize and detain such unknown Person or Persons so guilty as aforesaid, and to convey him, her, or them, before any Justice of the Peace for the County or Place where any Offence against this Act shall be committed, without any Warrant or other Authority than this Act for so doing; and such Justice of the Peace respectively is hereby empowered and directed to proceed immediately to the Conviction or Acquittal of such Offender or Offenders, or to oblige such Person or Persons so offending to give Security for his, her, or their appearing at the next General or Petty Sessions to be holden for the Division or Place where such Offence or Offences shall be committed; and on such Conviction, or for Want of sufficient Security, to commit the Person or Persons so offending to the Common Gaol for the County or Place where the Offence shall be committed, there to

Securing transient Offenders.

remain until he, she, or they shall pay the respective Penalties by him, her, or them incurred for such respective Offence or Offences, or shall give Security in Manner aforesaid.

Penalty on
Pigs, &c.
damaging
Roads.

XVII. And be it further enacted, That if any Person driving any Pigs or Swine upon the said Road or any Part thereof, shall suffer the same to root up and damage the same or any Part thereof, or the Banks, Fences, Hedges, Backings, or Cops on either Side thereof, every Person so offending and being convicted thereof in the Manner mentioned in the said recited Act relative to Persons pulling up or defacing Mile Stones, or committing other Offences in or upon the said Road, shall be subject to the same Penalties, and the Powers and Remedies provided for the Recovery thereof, as are given and provided in and by the said recited Act for Persons so pulling up or defacing Mile Stones, or committing other Offences in or upon the said Road.

Trustees may
reward In-
formers.

XVIII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, if they shall see Cause, to pay and apply such Part, not exceeding one Moiety of any Penalties, Forfeitures, and Fines, by the said recited Act and this Act, any or either of them, inflicted or authorized to be imposed (other than and except such as by the said recited Act and this Act, are otherwise particularly directed to be applied) to and for the Use of the Informer or Informers, or any Person or Persons taking or seizing or assisting therein; any Thing in the said recited Act or this Act contained to the contrary notwithstanding.

Trustees may
borrow Mo-
ney.

XIX. And be it further enacted, That the said Trustees at any Meeting or Meetings to be holden for that Purpose, whereof Ten Days Notice in Writing shall be given by the Clerk or Clerks, Treasurer or Treasurers, to be affixed on all the Turnpikes or Toll Gates then erected and set up upon the said Road, and inserted in some publick Newspaper circulating in the Neighbourhood of the said Road, may and are hereby empowered from Time to Time, by any Writing or Instrument under their Hands and Seals, to assign over or mortgage all or any of the Tolls to be collected and raised by virtue of this Act (the Charges of assigning or mortgaging the same to be paid out of such Tolls) for any Term during the Continuance of this Act, as a Security for any Sum or Sums of Money to be borrowed by the said Trustees upon the Credit of such Tolls to such Person or Persons, his, her, or their Executors, Administrators, or Assigns, or his, her, or their Trustee or Trustees, who shall advance or lend the same, to secure the Repayment thereof, with such legal Interest as the said Trustees shall think proper, which said Money so to be borrowed shall be applied and disposed of as in this Act mentioned, and to no other Use or Purpose whatsoever.

XX. And be it further enacted, That such Mortgage or Mortgages, Assignment or Assignments, may be in the Form following, or in such other Form as the Trustees making the same shall think proper; (that is to say),

Form of
Mortgage.

‘ BY virtue and in pursuance of an Act, passed in the Forty-fifth Year
‘ of the Reign of His Majesty King *George* the Third, intituled, [*here*
‘ *insert the Title of this Act*] in Consideration of the Sum of

to *A. B.* the Treasurer appointed by the Trustees for putting the
 said Acts in Execution, having been this Day paid by *C. D.* of
 we whose Names are hereunto subscribed and Seals
 affixed, being Five of the said Trustees, do grant and assign unto the
 said *C. D.* his Executors, Administrators, and Assigns, such Proportion
 of the Tolls arising upon the said Road, as the said Sum of
 doth or shall bear to the whole Sum due and
 owing on the Credit of the same Tolls, or charged thereupon for the
 Term of the said Act, to have, hold, receive, and take such Proportion
 of the said Tolls, unto the said *C. D.* his Executors, Administrators,
 and Assigns, for the Residue and Remainder now to come of the
 Term of Twenty-one Years, for which the said Tolls are granted by the
 said Act, subject to the Proviso following; that is to say, Provided
 always, that if the said Sum of shall be repaid to
 the said *C. D.* his Executors, Administrators, or Assigns, together
 with Interest for the same after the Rate of
per Centum per Annum, without any Deduction whatsoever, on or before the
 Day of now next ensuing,
 then this Assignment shall be void, or else shall remain in full Force: In
 Witness whereof we have hereunto set our Hands and Seals, this
 Day of One thousand eight hundred
 and

Copies of all which Mortgages or Assignments shall be entered in a Book
 to be kept for that Purpose by the Clerk or Clerks, Treasurer or Treasurers,
 to the said Trustees; and all and every Person and Persons to whom
 any such Mortgage or Assignment shall be made as aforesaid, or who shall
 be entitled to the same, or the Money thereby secured, is and are hereby
 empowered from Time to Time, by Writing under his, her, or their
 Hand and Seal, or Hands and Seals, to be indorsed upon the Back of his,
 her, or their Security, or by any other Writing or Writings under his,
 her, or their Hand and Seal or Hands and Seals, before One credible Witness,
 to assign over or transfer his, her, or their Right to the Principal
 and Interest Money thereby secured, to any Person or Persons whomsoever,
 in the following Words, or Words to the like Effect; (that is to say),

Copies to be entered.

I Do hereby transfer and assign this Mortgage [*or, a certain Mortgage,*
&c. as the Case may be] with all my Right and Title to the Principal
 Money thereby secured, and all Interest now due on the same, unto
 Executors, Administrators, and Assigns: In
 Witness whereof I have hereunto set my Hand and Seal, the
 Day of in the Year of our Lord One thousand
 eight hundred and

Form of Transfer.

All which Assignments and Transfers shall be produced and notified to the
 Clerk or Clerks, Treasurer or Treasurers, to the said Trustees, within
 Sixty Days next after the Date thereof, who shall cause an Entry to be
 made of such Assignments or Transfers, containing the Dates, Names,
 and Additions of the Parties, and Sums of Money therein mentioned to
 be assigned or transferred, in the said Book to be kept for entering the
 said original Mortgages and Assignments, for the entering of each of
 which Mortgages, Assignments, or Transfers, the Clerk or Clerks shall
 be paid the Sum of Five Shillings, and no more; and which said Book
 shall and may, at all reasonable Times, be perused and inspected without
 Fee

Fee or Reward; and after such Entry made, and not otherwise, such Assignment or Transfer shall entitle such Assignee or Assignees, his, her, and their Executors, Administrators, and Assigns, to such Mortgage or Assignment, and the Monies thereby secured, and so assigned and transferred, and to the Benefit thereof and Payment thereon; and such Assignee or Assignees, and his, her, or their Executors or Administrators, shall and may in like Manner assign or transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons who shall have made any such Assignment or Transfer, to make void, release, or discharge the same, or any Monies due thereon.

Old Mortgages may be called in and new granted.

XXI. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, if thereunto required, receive in and cancel all or any of the Mortgages now standing out that were made by virtue of the said recited Act, and give and execute another Mortgage or other Mortgages instead or in lieu thereof respectively, in Manner as in the said recited Act mentioned and prescribed.

No Preference to be given to Mortgages.

XXII. And be it further enacted, That no Preference shall be given to any Person or Persons, who hath or have heretofore advanced or lent any Sum or Sums of Money upon the Credit of this Act, in respect of the Priority of advancing such Sum or Sums of Money, but that all Persons to whom such Mortgages or Assignments have been or shall be made as aforesaid, shall be (in proportion to the Sum or Sums therein mentioned) Creditors in equal Degree one with another; and that in case any Creditor shall by Ejectment, or any other due Course of Law, recover or get Possession of any of the Turnpikes or Toll Gates, he and she shall be deemed to hold the same in Trust for the Benefit of himself and herself and all the other Creditors or Mortgagees in equal Degree, and shall account for and pay all Money he or she shall so receive, amongst all the Creditors or Mortgagees, in proportion to the Sum or Sums of Money advanced on their Parts respectively on the Credit of the said Roads.

Statute Work.

XXIII. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the said County of *Gloucester*, and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Clerk or Surveyor, or by their Order, yearly, to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road doth lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them, paid to the said Trustees or their Treasurer or Treasurers; and in order thereunto it shall be lawful for such Justices, from Time to Time, to summon the Surveyor or Surveyors of the Highways for every such Parish or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons)

Summons) of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as are or may be directed by any Law or Statute in Force and Effect for the Repairs of the publick Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons, who shall appear subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road, as the said Justices shall think reasonable, and the same shall be done at such Days and at such Times (not being Haytime or Harvest) and in such Parts of the said Road, as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons, who by such Lists shall appear to be subject and liable to the Payment of any Money, in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct; and in Default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their usual Place or Places of Abode for that Purpose, by any Surveyor of the said Trustees, shall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in force or effect for the Repair of the publick Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road, all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

XXIV. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the Highways of any Parish, Township, Place, Trustees may compound for Statute Work,
or
 [Loc. & Per.] 23 T

or Division, or the Inhabitants or Occupiers of Lands, Tenements, or Hereditaments within the same respectively, to compound and agree with the said Trustees, or any Three or more of them, for the Statute Work to be by them or any of them done on the said Road, provided that such Composition Money be paid by the Surveyor or Surveyors, or other Officers of the Parish, or respective Person so compounding, to the Treasurer or Treasurers of the said Trustees, on or before the Twenty-ninth Day of *September* in each Year, or within One Calendar Month after Notice for that Purpose given him, her, or them respectively.

Application
of Compensa-
tion where
exceeding
200*l*.

XXV. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Act and this Act, for the Purposes thereof, which shall belong to any Body Politick, Corporate, or Collegiate, or to any Feoffees in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, or for or on Behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict and other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing the said recited Act and this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, (to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments), in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the said Court upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would

would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, to be purchased by virtue of the said recited Act and this Act, in case such Purchase or Settlement were made.

XXVI. Provided always, and be it enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used, for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the Trustees for executing the said Act and this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Purchase Money does not exceed 200*l.* nor less than 20*l.*

XXVII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid, as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, for the Purposes of this Act, in such Manner as the said Trustees shall think fit; or in case of Infancy, Idiocy, or Lunacy, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application when the Money is less than 20*l.*

XXVIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of the said Act and this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees; or in case the Person or Persons to whom any such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*

In case of not making out Titles;

or if Persons cannot be found, Purchase Money to be paid into the Bank;

subject to the
Order of the
Court of
Chancery on
Motion or
Petition.

England in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [describing them] subject to the Order, Control, and Disposition of the said Court, which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Publick Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates. Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Persons in
Possession
shall be
deemed well
entitled un-
less the con-
trary be
shewn.

XXIX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said Act and this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein,

The Court
may order
reasonable Ex-
pences of the
Purchases to
be paid by the
Trustees.

XXX. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of the said Act and this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of the said Act and this Act, it shall and may be lawful to and for the said Court of Chancery, to order the Expences of all Purchases, from Time to Time to be made in pursuance of the said Act and this Act,

or

or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees, out of the Monies to be received by virtue of the said Act and this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

XXXI. And be it further enacted, That out of the first Monies which shall be raised by virtue of the said Act or this Act, either by Mortgage or by the said Tolls, the said Trustees, or any Three or more of them, shall in the first Place pay and discharge all Charges and Expences of or incident to the procuring and passing of this Act, with lawful Interest for the same; and from and after such Charges, Expences, and Interest, shall be paid and satisfied, then and from thenceforth the Remainder of the Monies so raised, and the said Tolls, shall be applied and disposed of in putting the said recited Act and this Act in Execution, according to the true Intent and Meaning of the said Act and this Act.

For paying
Expences of
this Act, and
Application
of Tolls.

XXXII. And whereas some Parts of the Roads and Ways to the Quarries or Places from whence Stone and other Materials for the Repair of the said Roads are procured, are from their particular Situations so difficult to be travelled over with Waggon, Carts, and other Carriages, laden with Stone or other Materials for the Repair of the said Roads, that a proper and sufficient Quantity of Stone or other Materials cannot be hauled in a Waggon, Cart, or other Carriage, with Safety and Convenience, by the Number of Horses and Cattle at present allowed by Law; be it therefore further enacted, That where any Stone or other Materials for the Purpose of repairing the said Roads, are situate in such Places that a proper and sufficient Quantity cannot with Safety and Convenience be hauled in a Waggon, Cart, or other Carriage, by the Number of Horses or Cattle allowed by Law, that no Owner or Owners of any such Waggon, Cart, or other Carriage, employed in hauling Stone or other Materials for the Use of the said Road, or other Person or Persons, being the Driver or Drivers, or having the Care of such Waggon, Cart, or other Carriage, shall in such Case be subject or liable to any Penalty whatsoever contained in any Act of Parliament for regulating the Turnpike Roads in that Part of *Great Britain* called *England*, if it shall appear to the Justices or Justice of the Peace before whom any Information for any of the Offences aforesaid shall be laid or heard, that the Quantity of Stone or other Materials so to be drawn in such Waggon, Cart, or other Carriage, for the Repair of any Part of such Road, could not have been drawn with Safety and Convenience to the Place where such Stone or Materials are to be used, by the Number of Horses or Cattle allowed by Law for drawing such Waggon, Cart, or other Carriage, such Justices or Justice are and is hereby authorized and required to discharge such Informations or Information without ordering any Fine or Fines, Penalty or Penalties, to be levied, or Costs of Prosecution to be paid; nor shall such Fine or Fines, Penalty or Penalties, in any such Case, be recovered by any Action at Law; any Thing in the said Acts, or either of them, contained to the contrary notwithstanding.

Allowing a
greater Num-
ber of Horses
to be used in
bringing Ma-
terials for the
Repair of the
Roads.

XXXIII. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and others, without being specially pleaded.

Publick Act.

[*Loc. & Per.*]

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XXXIV. And

Term and
Continuance
of the Act.

XXXIV. And be it further enacted, That this Act shall commence upon the passing thereof, and shall continue and be in force, and be executed for and during the Residue now to come of the Term granted by the said recited Act, and from the Expiration thereof, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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